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April 7, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AUTHORIZATION FOR IMPLEMENTATION OF DISEASE PREVENTION
DEMONSTRATION PROJECT WITHIN LOS ANGELES COUNTY
(All Districts) (3 Votes)**

IT IS RECOMMENDED THAT YOUR BOARD:

- 1) Authorize implementation of the Disease Prevention Demonstration Project, created by California Senate Bill (SB) 1159, in Los Angeles County.
- 2) Instruct the Department of Health Services to establish a Departmental workgroup, including representatives of pharmacies, law enforcement, community agencies and researchers to advise the Department on implementation.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

In approving the recommended action, the Board will authorize the implementation of the Disease Demonstration Project, created by SB 1159, which the Legislature approved and Governor Schwarzenegger signed in 2004. SB 1159 created a Disease Prevention Demonstration Project (project), subject to authorization by a county or a city for its jurisdiction. This project authorizes a licensed pharmacist to sell or furnish 10 or fewer syringes to a person without a prescription, if the pharmacy is registered in this project. It also authorizes a person to possess 10 or fewer syringes if acquired through an authorized source. It requires local health departments to register the pharmacies and to provide them with materials to distribute concerning access to drug treatment, access to HIV and hepatitis screening and treatment, and safe disposal of syringes.

FISCAL IMPACT/FINANCING:

The Department will incur minimal administrative costs for the initial development of forms and materials, mailings to pharmacies and processing registration requests. Some of these costs will be incurred regardless of the Board's decision for the County, because several cities have already authorized the project and the Department must implement it in those cities. The additional cost to implement in the entire County is expected to be small. There is no State reimbursement for these costs and the Department expects to absorb them out of existing and future appropriations.

Once the project is established, the primary ongoing costs will be for evaluation. The State DHS is charged with finding private or federal funds for evaluation. Some of these funds might be provided to the County to help with evaluation, although this is not required.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

The purpose of the SB 1159 Disease Prevention Demonstration Project is to prevent the spread of blood-borne pathogens, including HIV and hepatitis C. The pilot project terminates on December 31, 2010. It authorizes a licensed pharmacist to sell or furnish 10 or fewer syringes to a person without a prescription, if the pharmacy is registered in this project. It also authorizes a person to possess 10 or fewer syringes if acquired through an authorized source. It requires local health departments to register the pharmacies and to provide them with materials to distribute concerning access to drug treatment, access to HIV and hepatitis screening and treatment, and safe disposal of syringes. The State Department of Health Services is required to evaluate the pilot project and provide a report to the Governor and Legislature in early 2010.

The Department conducted a comprehensive analysis of the available literature concerning non-prescription syringe sales and prepared a report with recommendations, which was previously sent to the Board. Key findings are that access to sterile syringes is an effective tool in reducing transmission of blood borne pathogens among injection drug users, reduces HIV transmission and is cost effective. Pharmacy-based sales promote safe disposal of syringes and reduce needle stick injuries to others.

Authorization by the Board will be effective for the entire County area (not just unincorporated areas). However, because Long Beach and Pasadena have their own health departments, those city councils must act to implement the project in those cities. The cities of Los Angeles and West Hollywood have already acted to authorize the program in their jurisdictions. Even if the Board chooses not to authorize the project for the entire County, as the health department for the cities, the Department will be obligated to implement the program in those jurisdictions which authorize it. This will include mailings to pharmacies, registration of pharmacies, and distribution of materials.

The Department has prepared materials and forms to implement the project in accordance with the law, and will participate with the State in the evaluation of the project. The Department has already received inquiries from pharmacies about the project and recommends the work-group to advise the Department on implementation issues.

CONTRACTING PROCESS

Any pharmacy which wishes to participate will be registered. Participation is voluntary. No contractual relationships between the pharmacies and the Department are needed for implementation. After the evaluation plan is developed by the State, information may need to be obtained from the pharmacies.

IMPACT ON CURRENT SERVICES (OR PROJECT):

Implementation of SB 1159 is expected to complement other HIV/AIDS prevention programs and to reduce the spread of other blood-borne pathogens.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas L. Garthwaite", written over a horizontal line.

Thomas L. Garthwaite, M.D.
Director and Chief Medical Officer

TLG:jfs

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors